

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 17-92
	)	
WILLIAM THOMAS SPENCER	)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S  
MOTION TO REDUCE SENTENCE UNDER 18 U.S.C. § 3582(c)(1)(A)**

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Timothy M. Lanni, Assistant United States Attorney for said District, and respectfully submits this Response in Opposition to Defendant Spencer’s Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Doc. No. 74.

Spencer previously moved for a reduction in sentence due to possible exposure to COVID-19 at Doc No. 69. The Government opposed that request and filed a brief in support of its opposition. Doc. No. 73. Defendant has now moved for another reduction under the same statute. Defendant has only raised one new argument in this second motion, a request for a reduction of sentence due to the applicability of the cocaine base or crack guidelines. Defendant also has attached additional medical documentation in support of his first motion. As defendant does not raise any new arguments in regards to his COVID-19 motion and his medical evidence does not support or otherwise alter his claims, the Government will rely on its previous brief to oppose defendant’s request for release.

Defendant’s new argument that he should released as he is due a reduction in light of updated cocaine base or crack guidelines is similarly inapplicable and does not warrant consideration or relief. The First Step Act did in fact create a re-sentencing mechanism for

defendants previously sentenced to an offense involving cocaine base. However, to qualify for this relief, defendant would have had to be sentenced before August 3, 2010, the date of the passage of the Fair Sentencing Reform Act. United States v. Willis, 417 F. Supp. 3d 569, 573 (E.D. Pa. 2019). Defendant was sentenced in 2019 after the passage of this Act. Therefore, he cannot request a retroactive reduction in his sentence.

WHEREFORE, the United States respectfully requests that Defendant's Motion for Reduction of Sentence be denied.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney

By: /s/ Timothy M. Lanni  
Timothy M. Lanni  
Assistant U.S. Attorney  
Joseph F. Weis, Jr. U.S. Courthouse  
700 Grant Street, Suite 4000  
Pittsburgh, Pennsylvania 15219  
(412) 644-3500 (Phone)  
NJ ID NO. 11242012